

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

In the Official Action, the Examiner argues that the IDS filed on May 10, 2002 fails to comply with 37 C.F.R. § 1.98(a)(3) because it does not include a concise explanation of the relevance of patent WO 00/50950 in the English language. Applicants respectfully submit that WO 00/50950 was submitted with an English Abstract. Applicants respectfully submit that the English abstract is a concise explanation of the relevance of the WO 00/50950 reference in compliance with 37 C.F.R. § 1.98(a)(3). Thus, Applicants respectfully submit that the WO 00/50950 reference be made of record and considered by the Examiner.

In the Official Action, the Examiner objects to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference characters 236 and 236a have both been used in Figure 1 to designate bonding portions, because reference characters 238 and 238a have both been used in Figure 1 to designate attachment portions, and because reference characters 216 and 226 have both been used in Figure 2 to designate elastic members. In response, Figures 1 and 2 have been amended to differentiate the designations of the reference characters discussed above.

Additionally, the Examiner objects to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because Figures 13-15 should be designated by a legend such as --Prior Art--. In response, Figures 13-15 have been amended to add the legend --Prior Art--.

In view of the above, it is respectfully requested that the objection to the drawings under 37 C.F.R. § 1.84(p)(4) be withdrawn.

In the Official Action, the Examiner objects to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because Figure 13 includes references XIV and XV

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which are not mentioned in the specification. In response, the specification has been amended to recite such references.

In view of the above, it is respectfully requested that the objection to the drawings under 37 C.F.R. § 1.84(p)(5) be withdrawn.

In the Official Action, the Examiner objects to claims 12-14 and 16-17.

With regard to claim 12, the Examiner argues that the limitation "the main substrate" lacks antecedent basis in the claims. In response, claim 12 has been amended to depend from claim 3, which has antecedent basis for "the main substrate."

With regard to claims 13 and 16, the Examiner argues that the limitation "the light beam" lacks antecedent basis in the claims. In response, claim 13 has been amended to change "the light beam" to --a light beam-- as suggested by the Examiner.

Also with regard to claims 13 and 16, the Examiner argues that the term "neutral time" is unclear and assumes that it means "a time when the movable plate is parallel to the base." In response, claims 13 and 16 have been further amended as suggested by the Examiner.

In view of the above, it is respectfully requested that the objection to claims 12-14 and 16-17 be withdrawn.

In the Official Action, the Examiner rejects claims 1-4 and 6-17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,388,789 to Bernstein (hereinafter "Bernstein"). The Examiner also rejects claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Bernstein in view of U.S. Patent No. 6,201,629 to McClelland et al., (hereinafter "McClelland").

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In response, independent claims 1 and 15 have been amended to clarify their distinguishing features.

Turning now to the prior art, Bernstein discloses an optical deflector with two axes. As shown in FIGS. 1A and 1C, a second rotational member 3 is connected to a first rotational member 2 through a second pair of torsional flexures 5, and the first rotational member 2 is connected to a base member 1 through a first pair of torsional flexures 4, wherein the torsional flexures are integrally formed with a substrate such as SOI. Thus, in Bernstein, the base member 1 and first torsional member 2 are connected via the first part of torsional flexures 4.

On the other hand, according to the present invention, a pair of supports of a mirror structure are fixed to a base with the second surfaces of the supports in contact herewith. Hence, the connection configuration between the elements of the optical deflector are different in the present invention as compared to that of Bernstein.

In addition, the present invention discloses supporting the whole of the mirror structure by the base with the mentioned connection, while Bernstein does not disclose supporting the base member 1. Moreover, in the present invention, the base and the supports of the mirror structure are individual elements, while in Bernstein; the base member 1 is integrally formed with the second rotational member 3, torsional flexures 5, first rotational member 2 and torsional flexures 4.

Independent claims 1 and 5 have been amended to clarify and emphasize these distinguishing features. The amendment to claims 1 and 15 are fully supported in the original disclosure. Thus, no new matter has been entered into the disclosure by way of the present amendment to claims 1 and 15.

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With regard to the rejection of claims 1-4 and 6-17 under 35 U.S.C. § 102(e), an optical deflector having the features discussed above and recited in independent claims 1 and 15 (as amended), is nowhere disclosed in Bernstein. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claims 1 and 15 are not anticipated by Bernstein. Accordingly, independent claims 1 and 15 patentably distinguish over Bernstein and are allowable. Claims 2-4, 6-14, and 16-17 being dependent upon claims 1 and 15, are thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-4 and 6-17 under 35 U.S.C. § 102(e).

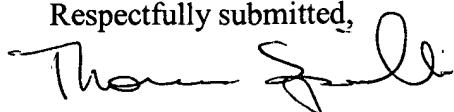
With regard to the rejection of claim 5 under 35 U.S.C. § 103(a), since independent claim 1 patentably distinguishes over the prior art and is allowable, claim 5 is allowable therewith because it depends from an allowable base claim.

In other words, Independent claim 1, as amended, is not rendered obvious by the cited references because neither the Bernstein patent nor the McClelland patent, whether taken alone or in combination, teach or suggest an optical deflector having the features discussed above. Accordingly, claim 1, as amended, patentably distinguishes over the prior art and is allowable. Claim 5, being dependent upon claim 1, is thus allowable therewith. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 5 under 35 U.S.C. § 103(a).

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



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Encl. (Request For Approval Of Drawing Changes)

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